

R E M A R K S

Claims 2-18, 20-36 and 38-43 are in the application, with Claims 2, 8, 20, 26 and 38 having been amended, with Claims 1, 19 and 37 having been cancelled, and with Claim 43 having been added. Claims 2, 9, 20, 27, 38 and 43 are the independent claims herein. No new matter has been added. Reconsideration and further examination are respectfully requested.

Claims 2, 20 and 38 have now been rewritten in independent form without change in scope.

It is believed that the pending rejections are now moot, in view of the cancellation of rejected independent claims 1, 19 and 37 and the change in dependency of rejected dependent claims 8 and 26. Thus, it is noted with appreciation that, except for new claim 43, all of the pending claims either stand allowed or recite subject matter found to be allowable by the Examiner.

New claim 43 is in independent form and recites a method that includes steps of "storing at least one template profile in a memory in a cellular telephone" and "receiving an audio signal via an antenna of the cellular telephone". Support for these claim limitations is found at page 3, lines 11-12; page 4, lines 3-7 and 20-23; page 6, lines 4-6; and page 3, lines 20-22 of the specification of this application.

Claim 43 further recites in substance the three steps originally recited in former claim 1. Thus effectively claim 43 recites the method of claim 1 performed in a cellular telephone. The references relied upon by the Examiner in rejecting former claim 1 do not teach or suggest that the method of former claim 1 be performed in a cellular telephone.

More particularly, in the Basel reference (U.S. Pat. No. 6,341,166) the data which the Examiner considered to be the template profile is derived from an analysis of the content of a removable storage medium such as a CD. Also the input audio signal to be equalized in Basel's system also is obtained from a CD or the like. Basel is only concerned with a device which reproduces sound recorded on a removable storage medium, and thus does not teach or render

obvious the subject matter of claim 43. Basel suggests neither storing a template profile in a memory in a cellular telephone, nor analyzing a signal received via the antenna of a cellular telephone.

Similarly, the system disclosed in the Op De Beek reference (U.S. Pat. No. 4,628,530) is for equalizing an audio signal produced by a room or car sound system, and is not applicable to the method now recited in claim 43 as performed in a cellular telephone. It is especially notable that a microphone in a room or car interior is the ultimate source of the data in Op De Beek's system which the Examiner considered to be the template profile. Nothing in Op De Beek would suggest storing a template profile in a memory in a cellular telephone.

It is therefore respectfully requested that new claim 43 be allowed along with the other pending claims.

C O N C L U S I O N

Accordingly, Applicants respectfully request allowance of such of the pending claims as have not already been allowed. If any issues remain, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is kindly invited to contact the undersigned via telephone at (203) 972-3460.

Respectfully submitted,



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Date

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